IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 16352 of 2000

Between:

1. M/S. Deva Breweries (P) Ltd., shop No.1, Abids shopping Complex,

Abids, Hyderabad –500 001, A.P., through its Director Shri

Niranjan Aggarwal.

2. Mr.Niranjan Agarwal, Director and shareholder

M/s. Deva Breweries (P) Ltd., shop No.1, Abids shopping

Complex, Abids,k Hyderabad –500 001, A.P.,

..... PETITIONERS

AND

1. Chief Secretary, State of Andhra Pradesh,

Department of Prohibition & Excise, Secretariat, Hyderabad.

2. Union of India, through its Secretary Department of

Industrial Development, New Delhi.

3. Principal Secretary, Revenue (Excise Dept.),

Govt. of Andhra Pradesh Secretariat, Hyderabad.

4. Commissioner of Prohibition & Excise, Govt. of

Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue writ of Mandamus directing the respondent No.1, the State Government of Andhra Pradesh, to permit the petitioner herein to start the manufacture of Beer at Khammam District pursuant to the letter of intent No.LI-182(1993) dated 7.5.1993 already issued by Government of India, Department of Industrial Development, New Delhi, as well as by the respondentNo.1 herein.

Counsel for the Petitioner: MR.S.RAVI

Counsel for the Respondent Nos.1,3 & 4: GP FOR PROHIBITION & EXCISE

Counsel for the respondent No.2: Mr.K.M.J.D.Syamasunder, Additional

Standing Counsel for Central Government.

The Court made the following :

ORDER:

Heard the learned counsel for petitioners and also the learned Government Pleader appearing on behalf of the respondents.

2. The main grievance of the petitioners in this Writ Petition is as against the action of the respondents herein seeking to refuse to permit them to manufacture beer. Though several contentions are sought to be urged, but, however, it is no doubt pointed out during the course of the arguments that petitioners' representation, that was filed on 7-4-2000 is still pending with respondent No.1 herein. Having regard to the same, it is not necessary to go into the merits. It would suffice in the interest of justice to direct the respondents herein to consider the said application and pass appropriate orders in accordance with law, after giving opportunity to the petitioners, within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly.

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(B. PRAKASH RAO, J)

August 4, 2004.

Bsb/Mrr

To

1. The Chief Secretary, State of Andhra Pradesh,

Department of Prohibition & Excise, Secretariat, Hyderabad.

2. The Secretary,Union of India, Department of

Industrial Development, New Delhi.

3. The Principal Secretary, Revenue (Excise Dept.),

Govt. of Andhra Pradesh Secretariat, Hyderabad.

4. The Commissioner of Prohibition & Excise, Govt. of

Andhra Pradesh.

5. Two CCs to the Government Pleader for Prohibition and Excise, High Court

Buildings, Hyderabad (OUT).

6. Two CD copies.